

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM #1 Residential Care Facilities for the Elderly, Health Related Conditions

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held February 11, 2004, as follows:

February 11, 2004
Office Building # 9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on February 11, 2004.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

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CHAPTERS

Title 22, Division 6, Chapter 8 (Residential Care Facilities for the Elderly), Sections 87101 (Definitions), 87218 (Application for License), 87561 (Reporting Requirements), 87575.1 (Advance Health Care Directives, Requests to Forego Resuscitative Measures, and Do-Not-Resuscitate Forms), 87577 (Personal Accommodations and Services), 87578 (Personal Assistance and Care), 87691 (Maintenance and Operation), 87701 (Prohibited Health Conditions), 87701.1 (Restricted Health Conditions), 87701.2 (Health Condition Relocation Order), 87702 (Allowable Health Conditions and the Use of Home Health Agencies), 87702.1 (General Requirements for Allowable Health Conditions), 87703 (Oxygen Administration), 87704 (Intermittent Positive Pressure Breathing (IPPB) Machine), 87705 (Colostomy/Ileostomy), 87707 (Indwelling Urinary Catheter/Catheter Procedure), 87708 (Managed Bowel and Bladder Incontinence), 87709 (Contractures), 87710 (Diabetes), 87711 (Injections), and 87713 (Healing Wounds).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These proposed Community Care Licensing Division (CCLD) regulations amend specific provisions in Title 22, Division 6, Chapter 8.

Residential Care Facilities for the Elderly are accepting and retaining residents who have certain medical conditions that were previously not allowed. Some aspects of routine care for those medical conditions can be done safely by trained facility staff, however, the facility must first obtain approval from the licensing office. Provision of certain routine care requiring Licensing approval has become more common in facilities and obtaining licensing approval can delay a resident's admission and is time consuming for both the licensee and the licensing office. These proposed regulations include the requirements for documentation, staff training and oversight currently required to obtain licensing approval.

There has been consultation with health care professionals, care providers and field offices. Information was given that some regulations are inconsistent with current common practice and/or difficult to use. Additionally, grammatical errors, redundant information and inconsistencies have been identified in current regulations. In response to those comments and findings, the following amendments are being adopted.

COST ESTIMATE

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts: N/A
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in this order that require reimbursement under the laws of California.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Section 1569.30, Health and Safety Code. Subject regulations implement and make specific Section 1569.30, Health and Safety Code.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

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EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

AGENDA ITEMS FOR THIS PUBLIC HEARING – February 11, 2004

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